



U.S. Department of Justice

United States Attorney
Southern District of New York

26 Federal Plaza, 37th Floor
New York, New York 10278

December 16, 2024

The Honorable Arun Subramanian
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Combs*, 24 Cr. 542 (AS)

Dear Judge Subramanian:

The parties respectfully submit this joint letter in response to the Court's Order dated December 12, 2024 directing the parties to outline the issues the parties believe should be addressed at the pretrial conference scheduled to proceed on December 18, 2024 at 2 p.m.

Discovery

Government Position:

The Government is on track to complete production of the discovery currently in its possession by December 31, 2024. Certain discovery, however, may be produced after that date. For example, due to technological limitations, the Government has not yet been able to extract every electronic device seized. To the extent that the ongoing efforts to extract the devices are successful, those extractions will be produced promptly. Moreover, as noted previously, the Government's investigation is ongoing and the Government will continue to produce discoverable material as it is received on a rolling basis. This may include, among other things, records received in response to outstanding or new subpoenas or other legal process.

With respect to the defense statement that it intends to write the Court regarding the Government's *Brady* disclosures to date, the defense raised a question about the Government's November 21, 2024 disclosure letter for the first time on December 15, 2024. The Government would like an opportunity to meet and confer with counsel on any alleged deficiencies before seeking Court intervention, particularly given that the Government's discovery productions in this matter are not yet complete.

Defense Position:

The defense intends to file a letter with the Court today requesting that the Court modify the terms of the Protective Order to require the government to re-designate a small subset of discovery materials, currently designated as "inspection-only" to "Attorney's Possession Only." We have met and conferred with the government on these materials and discussions are at an

impasse. The defense's letter will also address the government's *Brady* disclosures thus far and argues that the *Brady* disclosures fail to meet the minimum constitutional standards to which Mr. Combs is entitled.

Motions

The parties will be ready to answer any inquiries from the Court about pending motions.

Respectfully submitted,

EDWARD Y. KIM
Acting United States Attorney

By: _____/s
Maurene Comey / Meredith Foster /
Emily A. Johnson / Christy Slavik /
Madison Reddick Smyser / Mitzi Steiner
Assistant United States Attorneys
(212) 637-2324/-2310/-2409/-1113/-2381/-2284

By: _____/s
Marc Agnifilo
Teny Geragos
(646) 205-4350